

JAP:SPN

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

LOUIS COLON-GENTILE,

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(18 U.S.C. §2252(a)(1))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

THOMAS THOMPSON, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (the "FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between February 17 and June 12, 2012, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant LOUIS COLON-GENTILE did knowingly transport or ship one or more visual depictions of one or more minors engaging in sexually explicit conduct, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, using a means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce.

(Title 18, United States Code, Section 2252(a)(1)).

The source of your deponent's information and the grounds

for his belief are as follows:¹

1. I have been a Special Agent of the FBI since December of 2004 and am currently assigned to the New York Office. Since September of 2007, I have been assigned to a Crimes Against Children squad. I also am a member of the Eastern District of New York Project Safe Childhood Task Force. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through classroom training and daily experience conducting investigations in the field. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor.

2. I am familiar with the information contained in this affidavit based on my direct participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set

¹ Because this affidavit is submitted only to illustrate that probable cause exists to believe that the defendant committed certain crimes, all the facts known to me as a result of my investigation have not been included.

forth in sum and substance and in part.

THE FBI INVESTIGATION

3. An FBI child pornography investigation on the Yahoo user "Jackn_wm" revealed that on June 16, 2011, "Jackn_wm" and "ready_2_snuff_u" had a private instant message chat on Yahoo. During the chat, both users expressed an interest in child pornography and having sex with children. Administrative subpoenas served on Yahoo and Verizon Internet Services revealed "ready_2_snuff_u" had been logging in from the residence of LOUIS COLON-GENTILE, located in Brooklyn, New York, 11220.

4. On or about November 6, 2012, I interviewed LOUIS COLON-GENTILE at his Brooklyn residence. COLON-GENTILE admitted that he is the user of the Yahoo account "ready_2_snuff_u" and that he had traded child pornography with this account. COLON-GENTILE stated that his desktop computer, located in his residence, contained child pornography. COLON-GENTILE gave the FBI verbal and written permission to seize and search his desktop computer. COLON-GENTILE also gave the FBI verbal and written consent to assume the online identity of his "ready_2_snuff_u" account.

5. A preliminary review of COLON-GENTILE's desktop computer revealed approximately 333 image files and 22 video files containing child pornography.² A preliminary review of COLON-

² Although still images of apparent child pornography can be created using "morphing" technology, and although the identities of the minors at issue in this investigation are not known to law enforcement (i.e., the identity and age of the children have not been discovered by law enforcement), it appears that the images

GENTILE's "ready_2_snuff_u" Yahoo account revealed that COLON-GENTILE had emailed and received more than 100 images of child pornography since 2009. Several of these emails, which are available for the Court's review, are described as follows:

- a. On June 12, 2012, COLON-GENTILE emailed another online user three (3) images of child pornography. One of those images, described as 3_1.jpg, is a photo of a prepubescent girl, approximately 8 years old, lying on her back, with her mouth open and her right hand around an adult male's penis.
- b. On May 12, 2012, COLON-GENTILE emailed another online user seven (7) images of child pornography. One of those images, described as 1203961489269.jpg, is a photo of a nude infant girl, approximately 2 years old, lying on her back. The tip of an adult male's penis is inside the girl's vagina.
- c. On April 17, 2012, COLON-GENTILE emailed another online user four (4) images of child pornography. One of those images, described as (PTHC) 4Yo Little Girl Spread Eagle And No panties.jpg, is a photo of a nude prepubescent girl, approximately 4 years old, with her legs spread open and exposing her vagina.
- d. On February 17, 2012, COLON-GENTILE emailed another online user four (4) images of child

described in this affidavit involve the use of actual (i.e., non virtual) minors engaging in sexually explicit conduct. This conclusion is based in part on my consultation with other agents experienced in determining whether child pornography images depict real children. In addition, based upon my experience in child pornography investigations, I have found that collectors of child pornography generally have in their collections both images which depict children known to law enforcement and images in which the identities of the children depicted are not yet known to law enforcement. Moreover, when, as here, an individual is a member of a hardcore pedophile/child pornography network which is not accessible by casual web browsing, the likelihood that such an individual is in possession of child pornography depicting real children is extremely high.

pornography. One of those images, described as aaa(51).jpg, is a photo of a partially clothed prepubescent girl, approximately .8 years old, on her knees and hands with her vagina exposed. An adult male's hand is on the girl's buttocks.

WHEREFORE, your affiant respectfully requests that the Court issue an arrest warrant for the defendant LOUIS COLON-GENTILE so that he may be dealt with according to law.



THOMAS THOMPSON
Special Agent
Federal Bureau of Investigation

Sworn to me this 26th
day of November, 2012

UNITED STATES MAGISTRATE JUDGE
VIKTOR V. POHORELSKY
EASTERN DISTRICT OF NEW YORK